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General Assembly
Sixty-third session
Items 16, 41, 51, 56, 65, 67 and 101 of the preliminary list*

Question of Palestine

Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

Follow-up to and implementation of the outcome of the 2002 International Conference on Financing for Development and the preparation of the 2008 Review Conference

Eradication of poverty and other development issues

Elimination of racism and racial discrimination

Promotion and protection of human rights

Measures to eliminate international terrorism

Letter dated 8 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Italy to the United Nations addressed to the Secretary-General

I have the honour to transmit to you, on behalf of the Italian Presidency of the Inter-Parliamentary Union, the text of the following four resolutions adopted by the 118th Assembly of the Inter-Parliamentary Union (Cape Town, South Africa, 18 April 2008):

- "The role of Parliaments in striking a balance between national security, human security and individual freedoms, and in averting the threat to democracy";
- "The role of Parliaments and the Inter-Parliamentary Union in ensuring an immediate halt to the rapidly deteriorating humanitarian situation in conflict areas and its environmental dimension, in facilitating the Palestinians' right to self-determination — particularly by ending the blockade in Gaza — and in accelerating the creation of a Palestinian State through viable peace processes";

* A/63/50.

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- "Migrant workers, people trafficking, xenophobia and human rights";
- Parliamentary oversight of State policies on foreign aid".

I would be grateful if you could circulate the present letter and its annex as a document of the sixty-third session of the General Assembly under items 16, 41, 51, 56, 65, 67 and 101 of the preliminary list.

(*Signed*) Ambassador Aldo **Mantovani**
Chargé d'affaires a.i.

Annex to the letter dated 8 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Italy to the United Nations addressed to the Secretary-General

The role of Parliaments in striking a balance between national security, human security and individual freedoms, and in averting the threat to democracy

Resolution adopted unanimously by the 118th Assembly of the Inter-Parliamentary Union

(Cape Town, 18 April 2008)

The 118th Assembly of the Inter-Parliamentary Union,

(1) *Recalling* the purposes and principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, in particular the right to life, liberty and security of the person, and that everyone has the right to a standard of living adequate for the health and well-being of the person and of his/her family,

(2) *Acknowledging* the interdependence between national security, human security, individual freedoms and democracy,

(3) *Recognizing* the multidimensional nature of human security and *noting* that the understanding of human security must be dynamic and flexible in order to meet the many human security challenges in different regions,

(4) *Also recognizing* that the factors adversely affecting democracy across the world include poverty, unemployment, HIV/AIDS and other pandemics, pollution and natural disasters and human rights violations, as well as foreign occupation, inter-State conflicts, terrorism, human trafficking and organized crime,

(5) *Aware* that terrorism in all its forms poses a major threat to national security, human security and individual freedoms all over the world,

(6) *Profoundly concerned* at human rights violations, including foreign occupation, policies of collective punishment, detention without trial, secret detention centres, surveillance impinging on individual rights, and extradition to countries that practice torture,

(7) *Affirming its belief* that torture in all its forms has no place in the 21st century as it is one of the most abhorrent violations of human rights and human dignity,

(8) *Reaffirming* that it is the responsibility of parliaments to ensure, on the one hand, that counter-terrorism measures do not in any way jeopardize the right to asylum or the principles underlying the protection of refugees and, on the other, that such protection is not refused to those in need, while *recalling* that international refugee law provides for excluding from refugee protection measures persons having committed atrocities or serious crimes,

(9) *Recognizing* the contribution of parliaments to and their impact on international decisions promoting consensus on these issues both domestically and internationally, which is necessary for concerted and effective action,

1. *Calls on* parliaments to acknowledge the link between security, development and human rights as recognized in the World Summit Outcome Document, in the understanding that the key is to establish the causes and sources of human insecurity and work to address these effectively;

2. *Further calls on* parliamentarians to strive to address human security by tackling all current forms of insecurity globally in the political, economic, social, cultural, environmental and humanitarian spheres;

3. *Urges* parliaments to enact legislation that will help countries strike a balance between national security, human security and individual freedoms;

4. *Strongly urges* parliaments to commit to the achievement of the Millennium Development Goals as a means of addressing underdevelopment and preventing the marginalization of many in the developing world;

5. *Urges* national parliaments to enact effective anti-terrorism legislation, in keeping with relevant international instruments and commitments, including the United Nations Global Counter-Terrorism Strategy, and to assess such laws at regular intervals so as to ensure that they are fully compatible with national security and individual freedoms;

6. *Underscores* the need for parliaments to work towards a situation where States refrain from resorting to the threat and use of force in international relations, and settle their differences through dialogue and peaceful means;

7. *Urges* parliaments to acknowledge that the approach to human security must take account of the gender perspective and of specific heritages and cultures;

8. *Calls on* parliaments to review the adequacy of the legal measures they have in place to protect people from terrorist attacks and to bring perpetrators to justice, and to take such measures as deemed necessary to provide adequate protection;

9. *Strongly emphasizes* that parliaments need to oversee executive action, including when they vote on the budget and monitor its implementation, to ensure that a balance is struck between national security, human security and individual freedoms, and to avert any threats to democracy;

10. *Recognizes* that all human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal values and principles of the international community, and *acknowledges* the need for universal adherence to and implementation of the rule of law at both the national and international levels;

11. *Recognizes* the importance of independent courts in striking a balance between national security, human security and individual freedoms, and in averting threats to democracy;

12. *Urges* parliaments to ensure an effective system of public participation in their work and *invites* them to play a pivotal role in making their citizens aware of their constitutional rights, to open two-way channels of communication with citizens that are likely to strengthen parliamentary oversight of executive action, and to ensure that the government is committed to respecting the rights and freedoms of citizens and to promoting human rights; *also invites* parliaments to use to this end modern information and communication technologies such as the Internet and dedicated satellite channels, and *encourages* them to enact enabling legislation to facilitate the process of public participation;

13. *Encourages* national governments and parliaments to redouble their efforts, and to take advantage of the opportunities afforded by the work of the United Nations, to reach an international consensus on the speedy conclusion of a comprehensive international convention dealing with all aspects of terrorism, including its accurate definition, and thereby to provide all countries with a common legal instrument in their fight against this scourge;

14. *Calls on* parliaments to scrutinize closely all measures limiting individual freedoms;

15. *Condemns* the oppression and discrimination of which ethnic and religious minorities are victims and *urges* parliaments to pass laws that guarantee the rights of minorities, identify all acts of oppression and discrimination perpetrated against them and, consequently, provide for sanctions against the perpetrators of such acts;

16. *Encourages* in particular national governments to respect international obligations regarding human rights and individual freedoms when preparing profiles of potential terrorists in order to prevent attacks from taking place;

17. *Rejects* the application of double standards in dealing with the issue of democracy and *calls upon* all States to respect the choice of all nations in democratically electing their governments;

18. *Invites* governments to ensure that their proposals limiting liberty are indeed in compliance with international law, and human rights in particular;

19. *Invites* national parliaments to consider whether any further improvements can be made within their own jurisdictions to protect both human security and individual freedoms;

20. *Encourages* States, in accordance with their usual practice, to ratify and implement the Convention against Torture and its Optional Protocol (22 June 2006);

21. *Welcomes* the establishment of the Human Rights Council, which came into being by virtue of UN General Assembly resolution 60/251 of 15 March 2006, and the proposed universal periodic review mechanism (UPR), which is to help the Human Rights Council handle human rights issues in an objective, fair and non-selective manner through dialogue and cooperation;

22. *Calls on* parliaments to follow closely the national reporting process under the UPR mechanism, while seeing to it that it involves all relevant stakeholders, including non-governmental organizations and national human rights institutions; *further invites* parliaments to examine and debate the outcome of the review and to monitor its implementation;

23. *Urges* States to establish a mechanism, in the most appropriate way, to ensure that human rights are respected and that any violation or disregard thereof is dealt with;

24. *Calls on* parliaments to monitor the range and quantity of surveillance and data collection by public and private organizations, to gauge any changes in the balance between the citizen and the State, and, in this process, to ensure that laws are framed and enforced in such a way as to take account of fast-moving technological developments;

25. *Calls on* parliaments to oversee the work of law enforcement and security forces so as to make them accountable for the protection of fundamental individual freedoms in the performance of their public duties;

26. *Emphasizes* the need to train law enforcement and security forces in order to heighten their awareness of human rights when dealing with terrorism and related activities;

27. *Urges* national parliaments to pass legislation that will require law enforcement agents to deliver terror suspects to the judicial authorities immediately upon arrest so that they are not taken anywhere else for interrogation or further detention;

28. *Recommends* that national governments work towards greater regional and global cooperation with regard to implementing anti-terrorism strategies and establishing anti-terrorism centres;

29. *Underscores* the need to distinguish between terrorism and the struggles of peoples to liberate their land and regain their legitimate rights in accordance with international law;

30. *Calls on* all parliaments and *urges* the Inter-Parliamentary Union to develop training programmes designed to build the capacity of parliamentarians to address complex issues in an effective manner, and *welcomes* the sharing among parliaments of best practices on such initiatives.

[Original: English and French]

The role of Parliaments and the Inter-Parliamentary Union in ensuring an immediate halt to the rapidly deteriorating humanitarian situation in conflict areas and its environmental dimension, in facilitating the Palestinians' right to self-determination — particularly by ending the blockade in Gaza — and in accelerating the creation of a Palestinian State through viable peace processes

Resolution adopted unanimously by the 118th Assembly of the Inter-Parliamentary Union

(Cape Town, 18 April 2008)

The 118th Assembly of the Inter-Parliamentary Union,

(1) *Cognisant* of the numerous unresolved conflicts across the world that are characterized by ongoing killing, the reported raping of women, shelling and bombing of civilians, the internal displacement of people, forced migration and a massive impact on environmental degradation,

(2) *Recognizing* and *reaffirming* the principles of sovereignty, sovereign equality, territorial integrity, political independence, peaceful co-existence, interdependence, and non-aggression,

(3) *Reaffirming* the responsibility of parliamentarians and the IPU to promote international peace and security,

(4) *Convinced* that peace and security are critical factors in creating an environment that is conducive to international cooperation and development,

(5) *Deeply concerned* about the rapidly escalating violence and grievous harm to life and limb in areas affected by conflicts,

(6) *Cognisant* of the evidence provided throughout history indicating that the only means of ensuring a lasting and peaceful resolution of conflicts is through peaceful dialogue,

(7) *Welcoming* missions of good offices and other initiatives in the search for peace undertaken by a number of countries, and *supporting* such initiatives,

(8) *Noting* that, due to the growing need for relocation of people and communities, many Member countries are urging the UN Security Council to address climate change and environmental migration as an issue with serious implications for international peace and security,

(9) *Also cognisant* of the efforts deployed by the United Nations - through its various initiatives, resolutions and conventions - aimed at addressing the problems in the countries affected,

(10) *Welcoming* the efforts deployed within ongoing peace negotiations between Israel and Palestine as well as previous resolutions adopted by the UN Security Council on the right of the Palestinian people to self-determination, and the resolution adopted by the UN Human Rights Council on 6 March 2008 calling for an immediate cessation of Israeli military attacks on the Gaza Strip, and an immediate cessation of missile-launching by Palestinian activists on southern Israel,

(11) *Recalling* previous resolutions adopted by the Inter-Parliamentary Union on the situation in the Middle East in 1997, 2000 and 2003, which addressed inter alia the tensions and violence in the region,

(12) *Mindful* of the relationship between the Inter-Parliamentary Union and the United Nations and the mechanisms that have been developed to strengthen these relations in order to effectively deal with global concerns,

1. *Expresses* its solidarity with all those who are suffering as a result of conflicts across the world - especially the marginalized and vulnerable - including the elderly, women and children;

2. *Calls for* immediate action by the United Nations to prevent any further deterioration of the humanitarian and environmental predicament in affected areas;

3. *Urges* the United Nations to protect the rights of the people in affected areas as stipulated in relevant international instruments;

4. *Demands* that the United Nations assure the safety of fleeing civilians, prevent human rights abuses, establish and protect refugee camps, and take all necessary steps to prevent a further deterioration of the humanitarian situation in conflict areas;

5. *Calls on* the United Nations to facilitate the establishment of peace and take the necessary steps to enshrine the right to self-determination in the countries concerned, especially Palestine;

6. *Requests* an immediate lifting of the blockade imposed on the occupied Palestinian territories, especially Gaza, in order to facilitate the provision of food, medical and fuel supplies to the Gaza strip to help alleviate the humanitarian tragedy experienced by its population;

7. *Calls on* the different countries, governments, parliaments and non-governmental organizations to scale up their political, moral and financial assistance to those suffering acutely as a result of conflicts, particularly Palestinians in the occupied territories; *appeals* to IPU Members to exert pressure on their respective governments to maintain their mechanisms for providing humanitarian assistance to those affected by conflicts, especially the Palestinian people;

8. *Calls on* all concerned parties to accelerate the creation of a Palestinian State through a viable peace process;

9. *Urges* the Members of the Inter-Parliamentary Union - in areas where conflicts are currently taking place - to ensure that they and their respective governments contribute to the resolution of these conflicts, while providing assistance for both mitigation and adaptation to climate change;

10. *Calls on* the Inter-Parliamentary Union to work with the United Nations to resolve these conflicts by all available means and report on activities at the next IPU Assembly.

Migrant workers, people trafficking, xenophobia and human rights

Resolution adopted by consensus* by the 118th Assembly of the Inter-Parliamentary Union

(Cape Town, 18 April 2008)

The 118th Assembly of the Inter-Parliamentary Union,

(1) *Recalling* that the Universal Declaration of Human Rights states that all humans are born free and equal in dignity and rights, and that all individuals possess the rights and freedoms proclaimed in it,

(2) *Reaffirming* the obligation of States under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Political Rights of Women, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the United Nations Educational, Scientific and Cultural Organization Declaration on Race and Racial Prejudice, the International Convention on the Elimination of All Forms of Racial Discrimination, the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to guarantee all individuals on their territories the rights enumerated in those instruments, without distinction of any kind,

(3) *Recalling* that the 2001 Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance sets out global commitments for the total elimination of the scourges of racism, racial discrimination, xenophobia and related intolerance,

(4) *Further recognizing* the relevant non-binding instruments, including Principle 12 and Guideline 4 of the Recommended Principles and Guidelines on Human Rights and Human Trafficking,

(5) *Recalling* the Declaration on the Right to Development adopted by the UN General Assembly in resolution 41/128, which states in Article 6 that "All States should cooperate with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms for all without any distinction as to race, sex, language or religion",

(6) *Acknowledging* the relevance of other instruments, including the Slavery Convention and ILO Conventions No. 92, on forced labour, and No. 182, on the worst forms of child labour,

(7) *Acknowledging* the definition of trafficking in human beings set out in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime,

(8) *Acknowledging* the definition of people smuggling set out in the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention against Transnational Organized Crime,

* Following the adoption of the resolution, Australia expressed a reservation in respect of operative paragraph 25.

(9) *Recognizing* that the Recommended Principles and Guidelines on Human Rights and Human Trafficking issued by the UN High Commissioner for Human Rights affirm that "States have a responsibility under international law to act with due diligence to prevent trafficking, to investigate and prosecute traffickers and to assist and protect trafficked persons",

(10) *Further acknowledging* the effort made by the IPU and UNICEF to improve anti-trafficking legislation worldwide by the publishing the *Handbook for Parliamentarians: Combating Child Trafficking* in 2005,

(11) *Recognizing* that globalization has intensified structural inequality and poverty and has been accompanied by lack of recognition that human rights are relevant in the design and execution of programmes that address poverty, marginalization and social exclusion, at the same time as it has given countries a chance to develop,

(12) *Recognizing* that, at present, an increasing number of people are living and working outside their homeland,

(13) *Recognizing* that labour rights, legal migration, the flow and mobility of individuals, and the exchange of labour tend to be excluded from free trade arrangements purporting to expand the processes of economic integration and free trade,

(14) *Believing* in the importance of cultural diversity and economic interaction among the world's peoples and that global society should be pluralistic and based on imperatives of cultural diversity, gender equality and racial, ethnic and religious tolerance, fostering integration and preventing conflict and destruction,

(15) *Further believing* that the United Nations Millennium Development Goals will not be achieved until States fully and comprehensively recognize that human rights – civil, political, economic, social and cultural – are universal and indivisible, interlinked and interdependent, and that they mutually reinforce each other,

(16) *Convinced* that the integration process carried out in many regions of the world must consider – in addition to economic integration – the political, social and cultural integration that facilitates migratory processes between peoples, in order to protect the rights of migrants, with special emphasis on vulnerable population groups such as women and children,

(17) *Recalling* that the panel discussion on *Migration and development*, held in Manila, Philippines, at the 112th IPU Assembly, established that the global debate on migration and development must include the "three Ds" – demography, development and democracy – which are the main forces behind migration; *also recalling* the presentation at the 112th Assembly of the Report of the Global Commission on International Migration and the panel discussion on *Nationality and statelessness*, organized by the IPU and Office of the United Nations High Commissioner for Refugees,

(18) *Affirming* that migration can and should be beneficial for both source and destination countries, and, most importantly, for migrants and their families,

(19) *Recognizing* the economic, social, and cultural contributions that migrants can make to their receiving countries, and to their countries of origin,

(20) *Recognizing* that gender inequality impacts an individual's opportunity for labour market participation and migration and that the gendered effects of States' migration policies increase the vulnerability of women to human rights violations,

(21) *Recognizing* that migrant workers and their families, particularly the children of undocumented migrants, are a vulnerable population group requiring protection of their human rights,

(22) *Convinced* that the trafficking in human beings constitutes a serious crime and a violation of human rights, and requires cooperation at the international level and action at the national level to combat it,

(23) *Recognizing* that the prohibition of slavery is part of customary international law and constitutes *jus cogens*, and *reminding* governments and parliaments of the need to implement the international obligations they have undertaken and of the need for international cooperation to strengthen law enforcement,

(24) *Further recognizing* that xenophobia, racism, sexism and related intolerance severely damage humanity and threaten the existence of entire populations, and *further recognizing* the difficulties facing some immigrants in integrating in destination societies and the generation of new forms of xenophobia and racism against them following the events of September 11th,

(25) *Underscoring* that the sexual exploitation of women constitutes one of the most common areas of people trafficking,

(26) *Stressing* that one of the direct negative consequences of the lack of a broad and comprehensive multilateral approach to migration policy and restrictions on legitimate migration has been an increase in rejection, abuse, ill-treatment, aggression and marginalization of migrants, resulting in criminal behaviour such as human trafficking and hate crimes instigated by xenophobia,

(27) *Recognizing* that migrant labour can leave a gap in human resource potential in countries of origin and have a negative effect on the stability and functioning of families, particularly when the main carer is absent for extended periods,

(28) *Believing* that the challenge to fulfil human rights is a social problem of global scope, as migration, under inappropriate and ineffective migration policies, trafficking in persons and xenophobia all present a threat to basic human rights, freedom and individuals' welfare,

1. *Calls upon* IPU Member Parliaments effectively to promote and protect the fundamental human rights of migrants, in accordance with international instruments such as the Universal Declaration of Human Rights, to disseminate and promote best practices by national parliaments to achieve a comprehensive understanding of the problems posed and opportunities presented by migration, and to form specialized committees on migration, tasked with the effective protection of migrants' human rights, the finding of solutions to the problems of migration, and the means to maximize the opportunities of migration, with special emphasis on vulnerable groups such as women and children;

2. *Recommends* that migration be systematically included on the agenda of parliamentary dialogue between countries of origin, transit and destination, in order to provide a targeted parliamentary approach that is responsive to the particularities of each migration chain;

3. *Calls upon* all UN Member States that have not yet done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

4. *Urges* governments of developed countries to recognize the economic importance of migration in trade liberalization agreements and to improve the living conditions of migrants around the world, so as to counter the adverse consequences of trade liberalization and make globalization "a positive force for all the world's people", as stated in the United Nations Millennium Declaration;

5. *Encourages* governments and parliaments to forge partnerships between States, international organizations and civil society in order to manage migration in an equitable, fair and transparent manner and in a spirit of mutual responsibility;

6. *Calls upon* the IPU, parliaments and governments to forge a new, broader and more universally inclusive understanding of migration and to conduct further in-depth analysis of the causes and consequences of migration, using to this end data that is sufficiently disaggregated, in particular by gender;

7. *Requests* that destination countries coordinate their migration policies with countries of origin and transit regarding measures to be taken to curb migratory flows;

8. *Urges* parliaments to be particularly heedful of the situation of migrant women and their vulnerability to double discrimination based on race and sex;

9. *Calls* for the development of cross-national sex-disaggregated data and indicators to monitor the enforcement of national laws and international conventions, so that governments can use this evidence base to inform their decision-making;

10. *Urges* destination countries to secure the protection of workers' rights in accordance with ILO standards, including the right to organize, and ensure that women have equal access under the law to social protection and health care; *stresses* the need to implement programmes that enable women who face exploitation to gain knowledge of their rights;

11. *Urges* countries of origin to develop programmes that promote the reintegration of migrant workers seeking to return to their country of origin, particularly women migrant workers, for example by providing housing, capacity-building and skills development with a view to gainful employment;

12. *Urges* effective investigation, prosecution and adjudication of trafficking, including its component acts and related conduct, whether committed by governments or by non-State actors;

13. *Urges* parliaments and governments to review existing legislation or enact comprehensive laws concerning trafficking of women and pertaining in particular to prevention, prosecution, protection and rehabilitation; *further urges* parliaments to allocate funding within the national budget for effective enforcement of such laws and relevant programmes;

14. *Underscores* the importance of setting up coordination and cooperation mechanisms among law enforcement agencies, the judiciary and civil society organizations involved in protecting the victims of human trafficking;

15. *Encourages* governments to ensure adequate training for law enforcement agencies, enhancement of investigative powers and technology, and the establishment of anti-trafficking units, paying particular attention to gender issues and women's rights, and to prepare an action plan for prompt implementation of comprehensive and inclusive anti-trafficking measures;

16. *Reminds* governments and parliaments of their obligation under international human rights law to protect victims of trafficking, including through the effective identification of victims and observation of the principle of non-refoulement, with protection from summary deportation, the granting of reflection periods and/or temporary or permanent residence permits;

17. *Recognizes* the right of trafficking victims to return to their country of origin through voluntary repatriation, enshrined in the Universal Declaration of Human Rights, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, and their right of access to diplomatic and consular representatives from their State of nationality;

18. *Stresses* that an effective investigation into cases of trafficking is a form of redress for victims and includes the right to participate in investigations and judicial processes against traffickers with effective witness protection and assistance;

19. *Recognizes* the clear obligation of the competent authorities to provide all necessary protection measures for victims of trafficking and to ensure that such measures are easily accessible to victims; if there are reasonable grounds to believe that a person is a trafficking victim, to refrain from deporting persons until the identification process is complete, and then only if repatriation is appropriate; and if the age of the victim is uncertain, to proceed on the assumption that he or she is a child;

20. *Urges* appropriate measures of protection for all victims, including, but not limited to, secure accommodation, access to emergency medical assistance, translation and interpretation services, counselling and provision of information in languages victims understand, assistance during judicial proceedings, vocational training if appropriate, and access to education for children;

21. *Recommends* a recovery and reflection period of at least 30 days, backed by renewable residence permits, where there are reasonable grounds to believe that a person is a victim of trafficking, to enable sufficient recovery from human rights violations, an informed decision on cooperation with the authorities, and assessment of personal options;

22. *Emphasizes* that the protection of victims of trafficking should be incorporated into, and placed at the centre of States' legislative frameworks, requiring governments to review immigration laws and policies in the context of their impact on the victims of trafficking, shifting the focus from immigration control to the prevention of exploitation of migrants and workers and the care of victims;

23. *Encourages* governments and parliaments to enhance support, including financial measures, for victim service providers;

24. *Invites* parliamentarians to use the *Handbook for Parliamentarians on Combating Trafficking in Persons*, whose publication by the IPU, the United Nations Office on Drugs and Crime, and the United Nations Global Initiative to Fight Human Trafficking is forthcoming;

25. *Calls upon* all Member Parliaments to pass laws prohibiting political parties and public or private organizations that promote racism, sexism, xenophobia or related intolerance, to legislate to protect victims of violence and abuse attributable to racism and xenophobia, especially women, children and migrants, and to develop educational programmes to strengthen solidarity, cultural diversity and tolerance towards people from different ethnic, religious and cultural backgrounds;

26. *Calls upon* all UN Member States that have not already done so to ratify and implement the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and to align national legislation with international instruments;

27. *Urges* all IPU Member Parliaments to legislate to prohibit the dissemination of racist, sexist or xenophobic ideologies through the media, to promote research on xenophobia, racism and sexism, to enhance comprehension of these problems and to improve integration in destination countries;

28. *Encourages* States to facilitate integration through policies aimed at improving the status of migrant workers, in particular by placing them on the labour market, training young people, tackling unemployment and taking effective measures against illegal work;

29. *Calls upon* all UN Member States that have not yet done so to ratify the Convention to Eliminate All Forms of Discrimination against Women and its Optional Protocol;

30. *Suggests* that national entities develop an educational programme to broaden classroom teaching of human rights, with special emphasis on the equality and freedom of persons with a view to prevent rapidly spreading feelings of xenophobia;

31. *Urges* developed countries to consider moral redress and material compensation (financial donations; debt cancellation, especially for the poorest, programmes and projects for the well-being and development) for the peoples of Latin America, Asia and Africa now living in poverty because of marginalization and technological disadvantages resulting in part from colonization;

32. *Calls upon* States that have not yet done so to ratify the conventions for the protection of indigenous people's rights, particularly those of the ILO and UNESCO, and to ensure that national legislation avoids discrimination, racism and related intolerance against indigenous peoples;

33. *Urges* the strengthening of alliances between national parliaments and civil society to promote study programmes and activities to further peace and dialogue among civilizations, the realization of human rights, and the eradication of racism, xenophobia and related intolerance;

34. *Calls upon* States to ensure that their migration laws, policies and practices are compatible with their programmes for the prevention of racism, xenophobia and related intolerance, including the

removal of any racist or xenophobic criteria applying to migrants who enter or stay in their territories;

35. *Urges* all States to develop programmes and policies to combat sexual violence against women and children, including those who are involuntary migrants or migrants with irregular migratory status facing a high risk of sexual violence motivated by racial discrimination or xenophobia;

36. *Encourages* governments to implement effective human trafficking prevention strategies, such as awareness-raising, assistance to developing countries for economic development and law enforcement, and lawful managed migration opportunities;

37. *Recommends* that a code of conduct be adopted to govern the activities of relief organizations and humanitarian NGOs – national and international – in crisis or disaster zones to verify that these activities do not camouflage the trafficking of persons, especially of children, and to provide for sanctions that act as a deterrent to repeat offenders;

38. *Reaffirms* the duty of the States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations, in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the State of which they are nationals in case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform the foreign national without delay of his or her rights under the Convention;

39. *Urges* developed countries to encourage investment in countries generally known to be sources of migration and people trafficking, in medium- and long-term projects likely to create jobs for local people who may resort to migration for economic reasons;

40. *Invites* the IPU, based on the key role of parliaments in providing a human rights-centred approach to migration and trafficking, to promote an enhanced parliamentary input into international processes such as the Global Forum on Migration and Development.

Parliamentary oversight of State policies on foreign aid

Resolution adopted unanimously by the 118th Assembly of the Inter-Parliamentary Union

(Cape Town, 18 April 2008)

The 118th Assembly of the Inter-Parliamentary Union,

(1) *Recalling* the United Nations Millennium Declaration of 8 September 2000 and the Millennium Development Goals (MDGs), which constitute poverty elimination targets mutually agreed by the international community,

(2) *Recalling* the Final Declaration of the International Conference on Financing for Development held in Monterrey (Mexico) in 2002, and the Paris Declaration of 2 March 2005 on Aid Effectiveness,

(3) *Recalling* the global human development reports issued by the United Nations Development Programme (UNDP), in particular the 2005 report, "International cooperation at a crossroads: Aid, trade and security in an unequal world",

(4) *Recalling* the report "Investing in Development: a practical plan to achieve the Millennium Goals", by Professor Jeffrey D. Sachs, Director of the United Nations Millennium Project,

(5) *Recalling* the resolutions of the Inter-Parliamentary Union (IPU), in particular those adopted at the 92nd Inter-Parliamentary Conference (Copenhagen, 1994) on "International co-operation and national action to support social and economic development and efforts to combat poverty", the 104th Inter-Parliamentary Conference (Jakarta, 2000) on "Financing for development and a new paradigm of economic and social development designed to eradicate poverty", the 107th Inter-Parliamentary Conference (Marrakech, 2002) on "The role of parliaments in developing public policy in an era of globalization, multilateral institutions and international trade agreements", the 112th IPU Assembly (Manila, 2005) on "The role of parliaments in establishing innovative international financing and trading mechanisms to address the problem of debt and achieve the Millennium Development Goals", the 114th IPU Assembly (Nairobi 2006) on "The need for urgent food relief in order to combat drought-induced famine and poverty in Africa, for the world's most industrialized nations to speed up aid to the continent and for particular efforts to be made to reach desperate and poor populations," and the 115th IPU Assembly (Geneva, 2006) on "The role of parliaments in overseeing the achievement of the Millennium Development Goals, in particular with regard to the problem of debt and the eradication of poverty and corruption",

(6) *Reiterating* that gender equality and the empowerment of women are crucial to achieving all the MDGs,

(7) *Underscoring* that primary responsibility for development lies with the developing countries, whose own efforts are essential,

(8) *Recalling* that all efforts aimed at sustainable development and the eradication of poverty must necessarily be based also on economic growth in developing countries, a determining factor in the creation of productive jobs, in particular in agriculture,

(9) *Emphasizing* that recognition by the developing countries of their responsibility is no reason for developed countries and those with emerging economies not to meet their obligation to fight underdevelopment and poverty or their official development assistance (ODA) commitments,

(10) *Concerned* that the rise in international commodity prices is likely to reduce the capacity of donor countries to provide aid because it causes a downturn in the global economy, although at the same time it improves the economic position of beneficiary countries providing the resources,

(11) *Aware* that countries in transition from aid recipient to aid donor status are faced with particular challenges related to budget increases, institutional strengthening and awareness-raising in support of development cooperation,

(12) *Recalling* the conclusions of the Parliamentary Panel on Governance in the Least Developed Countries, held in New York on 15 September 2006 on the occasion of the meeting organized jointly by the Inter-Parliamentary Union and the United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (UN-OHRLLS),

(13) *Deeply concerned* by the fact that indicators show that the MDGs are unlikely to be met in several parts of the world, in particular in Africa,

(14) *Recalling* that the fight to reduce poverty worldwide will only bear fruit, and be more concrete and more equitable, if the attention paid to the least developed countries does not preclude poverty-reduction efforts being made in other developing nations, in particular middle-income countries,

(15) *Observing* that, in many countries, foreign aid is a crucial component of the national budget for effective implementation of the MDGs and the fight against poverty,

(16) *Deeply concerned* by the fact that, at present, financing for the MDGs, and thus their fulfilment by 2015, is not assured, despite the efforts made by States,

(17) *Observing* that most countries concerned have yet to honour their pledge to increase their ODA to 0.7 per cent of gross national product (GNP), although some have promised to do so in the next few years,

(18) *Noting* that the rise in volume of ODA, while vital, will only serve its purpose if the donor and beneficiary countries as partners undertake to significantly improve the quality and effectiveness of such aid and to ensure that, inter alia, it does not lead to dependency,

(19) *Noting* that ODA allocations to economic infrastructure and the production sectors fell from 48 per cent of total ODA pledged to the least developed countries in the early 1990s to 24 per cent between 2002 and 2004,

(20) *Aware* that parliaments in the donor countries play a major role in shaping decisions on their respective country's budget allocation for development aid and on its geographical and sectoral allocation,

(21) *Mindful* that beneficiary country parliaments play a crucial part in promoting the eight MDGs, and that they must adopt the requisite legislation, approve the appropriate budget allocations and oversee the use thereof by the executive branch,

(22) *Considering* that transparent government reporting to parliament on the use and impact of public funds to reduce poverty will further encourage donors to increase their aid,

(23) *Observing* that many beneficiary country parliaments do not fully play their role in promoting the MDGs and overseeing the use of ODA, in particular because they lack the necessary institutional, administrative and legislative resources,

(24) *Convinced* that the effectiveness of financing for development will only increase if the beneficiary countries promote democracy, the rule of law and good governance and fight corruption,

(25) *Stressing* that, insofar as the donors are tending less and less to tie aid and are having greater recourse to sectoral budget aid, budget oversight bodies must be developed in the beneficiary countries, in particular in parliaments, that are independent of the executive branch so as to ensure that aid received is used effectively,

(26) *Considering* that oversight by a democratically elected parliament cannot be effective if opposition groups are barred from participating in parliamentary bodies,

(27) *Underscoring* that the Paris Declaration on Aid Effectiveness provides that:

- The role of parliamentary bodies in drawing up and overseeing national development strategies must be strengthened;
- The donors and the partner countries have a mutual responsibility in terms of development outcomes;
- Aid must be aligned on the national development strategies, institutions and procedures of the partner countries,

(28) *Recalling* that the Third High Level Forum on Aid Effectiveness will be held in 2008 in Ghana and the Fourth Tokyo International Conference on African Development (TICAD IV) and the G8 Hokkaido Toyako Summit will be held in 2008 in Japan, particularly with a view to strengthening foreign aid for African countries,

(29) *Underscoring* that the increasing amount of development aid offered to poor countries by NGOs and foreign charity organizations can in no way justify the significant decline in ODA in recent years, as confirmed by the United Nations,

1. *Invites* donor country parliaments to pursue their efforts to honour the long-standing commitment reaffirmed in Monterrey to increase ODA to the target of 0.7 per cent of GNP, following the schedule of annual increases in the cooperation budget needed to attain that goal, and to guarantee that they will sustain that effort beyond 2015;

2. *Invites* donor country parliaments to ensure that their governments pledge to increase real aid, i.e. not or only partly to take into account operations that "inflate" official ODA levels, such as debt cancellation and reduction and, generally speaking, all forms of aid that do not constitute an actual transfer of resources;

3. *Requests* the parliaments and governments of donor countries to increase ODA in response to the appalling rise in world food, energy and drugs prices of over 40 per cent, as well as the rapid fluctuations in the exchange rate of foreign currencies, in particular the US dollar;

4. *Strongly encourages* donor country parliaments to make use of mechanisms for converting debt into investment, thereby serving as a concrete counterpart to debt cancellation that promotes growth and development in the beneficiary country;

5. *Invites* donor country parliaments to continue giving thought to alternative modes of financing for development that make it possible to increase aid beyond the amounts pledged as ODA;

6. *Invites* donor country parliaments to ensure that their respective governments act transparently and do not impose conditions that undermine the recipient countries' development when allocating budget resources earmarked for development cooperation;

7. *Invites* donor and beneficiary country parliaments to strengthen parliamentary oversight of their respective government's foreign policy while ensuring that the policies of other ministerial departments likely to have a direct or indirect impact on developing countries are aligned with it;

8. *Invites* donor country parliaments to promote gender mainstreaming in development cooperation in support of gender equality and the empowerment of women, as key factors for growth, poverty reduction and the achievement of all MDGs;

9. *Recommends* that parliaments further require that their respective governments provide annual reports on their development policy, the strategies implemented to achieve the MDGs and the results of negotiations with the beneficiary countries;

10. *Urges* donor country parliaments to require that their respective governments set aside a portion of their annual budgets for the MDGs and for the poorest countries and peoples, in accordance with the Millennium Declaration and the Monterrey Consensus;

11. *Invites* donor country parliaments to take appropriate measures to limit the possibility that foreign aid will be reallocated as circumstances change;

12. *Invites* donor country parliaments and governments to take the requisite legal and administrative measures to untie their development aid; in this regard, beneficiary countries should ensure that the proposed aid helps to promote local employment;

13. *Encourages* donor country parliaments to debate whether or not to concentrate their aid on a limited number of countries and sectors, and in particular place emphasis on aid for beneficiary countries which exert their own efforts, so as to heighten its effectiveness, and to build expertise and specialized knowledge while ensuring that certain countries are not excluded from international aid;

14. *Invites* donor countries to take into consideration and develop the capacity of certain beneficiary countries to absorb and use the financial assistance provided to them in order to ensure optimal efficiency thereof;

15. *Requests* donor country parliaments and governments to help eradicate poverty in middle-income countries as well, not only through financial aid, but also through partnership with these countries, with a view to enabling them to participate actively in the fight against poverty;

16. *Suggests* that donor country parliaments set up specialized committees or working groups to actively monitor and oversee their government's development aid activities;

17. *Suggests* that those committees undertake a more general review of national aid policy, with the involvement of civil society, by organizing hearings, conferences, etc.;

18. *Invites* the members of the specialized parliamentary committees in the donor countries to visit projects and other cooperation initiatives so as to ascertain the impact of aid programmes and obtain better information on the needs and challenges on the ground;

19. *Recommends* that donor country parliaments ensure that a sufficient portion of the budget is set aside for efforts to heighten public awareness of the MDGs and their financing;

20. *Invites* donor country parliaments and governments to establish innovative initiatives with a view to maintaining and strengthening civil society's solidarity with the countries of the South, for example by establishing a voluntary development cooperation service;

21. *Encourages* donor country parliaments to help actively reinforce, via bilateral or multilateral mechanisms, including the IPU technical cooperation programme, the effectiveness of parliaments in the beneficiary countries;

22. *Considers* that donor country parliaments must ensure that some of the aid goes towards improving the working conditions of beneficiary country parliamentarians and building their capacity to analyze public finances, budgets and development programmes;

23. *Invites* beneficiary country parliaments to find the necessary tools to oversee ODA at the national level;

24. *Invites* beneficiary countries to establish national ODA governance and management institutions with parliamentary oversight;

25. *Considers* that beneficiary country parliaments must be systematically associated with the programming, follow-up and evaluation of the impact of cooperation, and that their involvement is essential to the continuation of aid and to guaranteeing the achievement of the goal to reduce poverty;

26. *Encourages* beneficiary country governments to develop incisive growth strategies for the elimination of poverty and to submit them to their parliaments for approval; once the parliament and the government have agreed and decided on the strategies, parliament must use them to hold the government to account;

27. *Invites* beneficiary country parliaments to ensure that their respective governments promote a macroeconomic and sectoral policy that stimulates growth by encouraging the spirit of entrepreneurship and private investment on which sustainable development is predicated;

28. *Recommends* that beneficiary country parliaments consult civil society when evaluating and overseeing aid programmes, so as to take into account people's genuine needs;

29. *Invites* beneficiary country parliaments to debate, within the framework of the IPU, the role they effectively play in defining their country's Poverty Reduction Strategy Paper (PRSP) and overseeing its implementation;

30. *Requests* that the oversight capacity of those parliaments be strengthened, in particular by creating or reinforcing a "national audit office" or other independent body able to oversee public finances and budget implementation;

31. *Asks* the political groups in parliament to ensure that both the majority and the opposition take part in the conduct of such parliamentary bodies;

32. *Stresses* that, insofar as the increase in ODA is a necessary but insufficient condition for the achievement of the MDGs, it is essential that both donor and beneficiary country parliaments ensure that such increases are backed by a gradual but substantial improvement in good governance and the fight against corruption throughout the community of nations;

33. *Invites* donor and beneficiary country governments and parliaments to ensure that, each year, a substantial part of the public aid received serves to strengthen the democratic institutions and core functions of the State;

34. *Invites* donor and beneficiary country governments and parliaments to adopt transparent procedures awarding procurement contracts in the allocation of ODA to tangible development and humanitarian aid projects, and to ensure that goods and services are sourced locally, whenever possible, while respecting the aforementioned procedures;

35. *Recommends* that governments adopt and implement and all parliaments ratify the international and regional conventions aimed at preventing and fighting corruption, in particular as concerns money laundering and regulation of tax havens;

36. *Recalls* that parliaments and governments must ensure the quality and independence of the judicial institutions required to fight corruption effectively;

37. *Invites* governments and parliaments to ensure that the penalties applicable to those convicted of active and passive corruption serve as deterrents;

38. *Recommends* that an institutional dialogue on the conditions likely to make aid more effective be initiated among donor country and beneficiary country parliaments, both bilaterally and multilaterally, within the IPU in particular;

39. *Recommends* that governments and parliaments supervise activities and follow-up to development cooperation commitments, using peer review mechanisms (as does the Development Assistance Committee of the Organisation for Economic Co-operation and Development and NEPAD) that allow the members to examine each other's practices;

40. *Invites* regional and sub-regional parliaments to promote and immediately start the exchange of information and best practices in terms of cooperation strategies and initiatives, with a view to strengthening the role of parliaments, and *further invites* governments to facilitate such exchanges in cooperation with national parliaments and the United Nations system;

41. *Encourages* the committees in charge of development policy in donor and beneficiary country parliaments to exchange information and coordinate their policies;

42. *Advocates* a more active role for the United Nations and the reinforcement of the Economic and Social Council's Annual Ministerial Review and the Development Cooperation Forum as the best framework for strengthening the coherence and effectiveness of global development cooperation.